



PATENT

Docket No.: 21829/31 (EBC-002)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Wei et al.)	Examiner:
)	H.A. Robinson
Serial No.	:	09/412,100)	
Cnfrm. No.	:	9211)	Art Unit:
)	1653
Filed	:	October 4, 1999)	
For	:	HYPERSENSITIVE RESPONSE ELICITOR)	
		FRAGMENTS WHICH ARE ACTIVE BUT)	
		DO NOT ELICIT A HYPERSENSITIVE)	
		RESPONSE)	


STATEMENT OF STEVEN V. BEER

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, STEVEN V. BEER, hereby submit this statement in support of applicants' Petition for Correction of Inventorship in Application Under 37 C.F.R. § 1.48(a). At the time of filing the above-identified patent application, I was erroneously omitted as an inventor. This error arose without deceptive intent on my part.

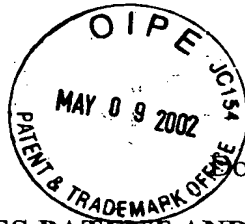
Date: 08 Feb 2002


Steven V. Beer

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PATENT

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		DO NOT ELICIT A HYPERSENSITIVE)	
		RESPONSE)	

STATEMENT OF RON J. LABY

Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

I, RON J. LABY, hereby submit this statement in support of applicants' Petition for Correction of Inventorship in Application Under 37 C.F.R. § 1.48(a). At the time of filing the above-identified patent application, I was erroneously omitted as an inventor. This error arose without deceptive intent on my part.

Date: January 24, 2002

Ron J. Laby
Ron J. Laby

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PATENT

ocket No.: 21829/31 (EBC-002)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Wei et al.

Serial No. : 09/412,100

Cnfrm. No. : 9211

Filed : October 4, 1999

For : HYPERSENSITIVE RESPONSE ELICITOR
FRAGMENTS WHICH ARE ACTIVE BUT
DO NOT ELICIT A HYPERSENSITIVE
RESPONSE

)
) Examiner:
) H.A. Robinson

)
) Art Unit:
) 1653

STATEMENT OF JAMES A. SEVERSON ON BEHALF OF CORNELL RESEARCH
FOUNDATION, INC.

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

1. I, James A. Severson, am the President of Cornell Research Foundation, Inc. located at 20 Thornwood Drive, Suite 105, Ithaca, New York 14850 and have the authority to act on behalf of Cornell Research Foundation, Inc.

2. As set forth in the assignment form (copy enclosed), the above-identified patent has been assigned to Cornell Research Foundation, Inc. It is my understanding that the assignment from Steven V. Beer and Ron J. Laby to Cornell Research Foundation, Inc. will be filed in the U.S. Patent and Trademark Office together with this paper.

3. Cornell Research Foundation, Inc., as a co-assignee, agrees to the requested correction of inventorship as set forth in the accompanying Petition for Correction of Inventorship in Patent under 37 C.F.R. § 1.48(a).

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of

Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified patent.

Date: x January 16, 2002

x James A. Severson
James A. Severson
President
20 Thornwood Drive, Suite 105
Ithaca, New York 14850

ASSIGNMENT

In consideration of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, we the undersigned,

Steven V. Beer
Ron J. Laby

Hereby sell, assign and transfer to:

CORNELL RESEARCH FOUNDATION, INC.

a corporation of The State of New York, having a place of business at Cornell Business & Technology Park, 20 Thornwood Drive, Suite 105, Ithaca, New York 14850, its successors, assigns and legal representatives, the entire right, title and interest for the United States and all foreign countries, in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 09/412,100, filed October 4, 1999, entitled

HYPERSENSITIVE RESPONSE ELICITOR FRAGMENTS WHICH ARE ACTIVE BUT DO NOT ELICIT A HYPERSENSITIVE RESPONSE

and in and to said application and all divisional, continuing, substitute, renewal, reissue, and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said improvements; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said improvements;

Agree that said Assignee may apply for and receive Letters Patent for said improvements in its own name; and that, when requested, without charge to but at the expense of said Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this Assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all said improvements, execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns, and representatives, all facts known to the undersigned relating to said improvements and the history thereof; and generally do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said improvements and for vesting title to said improvements and all applications for patents and all patents on said improvements, in said Assignee, its successors, assigns and legal representatives; and

Covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

Date _____

Steven V. Beer (L.S.)

Date January 24, 2002

Ron J. Laby
Ron J. Laby (L.S.)

ASSIGNMENT

In consideration of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, we the undersigned,

Steven V. Beer
Ron J. Laby

Hereby sell, assign and transfer to:

CORNELL RESEARCH FOUNDATION, INC.

a corporation of The State of New York, having a place of business at Cornell Business & Technology Park, 20 Thornwood Drive, Suite 105, Ithaca, New York 14850, its successors, assigns and legal representatives, the entire right, title and interest for the United States and all foreign countries, in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 09/412,100, filed October 4, 1999, entitled

HYPERSENSITIVE RESPONSE ELICITOR FRAGMENTS WHICH ARE ACTIVE BUT DO NOT ELICIT A HYPERSENSITIVE RESPONSE

and in and to said application and all divisional, continuing, substitute, renewal, reissue, and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said improvements; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said improvements;

Agree that said Assignee may apply for and receive Letters Patent for said improvements in its own name; and that, when requested, without charge to but at the expense of said Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this Assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all said improvements, execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns, and representatives, all facts known to the undersigned relating to said improvements and the history thereof; and generally do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said improvements and for vesting title to said improvements and all applications for patents and all patents on said improvements, in said Assignee, its successors, assigns and legal representatives; and

Covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

Date

08 Feb 2002


Steven V. Beer

(L.S.)

Date

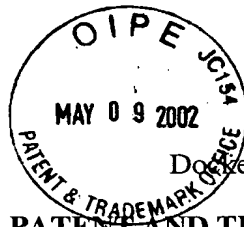
Ron J. Laby

(L.S.)

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		RESPONSE)	

**STATEMENT OF BRAD POWELL
ON BEHALF OF EDEN BIOSCIENCE CORPORATION**

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

1. I, Brad Powell, am the Acting President of EDEN Bioscience Corporation, located at 3830 Monte Villa Parkway, Bothell, Washington 98021-6942, and have the authority to act on behalf of EDEN Bioscience Corporation.
2. As set forth in the assignment form (copy enclosed), the above-identified patent has been assigned to EDEN Bioscience Corporation. The assignment from Zhong-Min Wei, Hao Fan, and Jennifer L. Niggemeyer to EDEN Bioscience Corporation was filed in the U.S. Patent and Trademark Office on November 16, 1999.
3. EDEN Bioscience Corporation, as a co-assignee, agrees to the requested correction of inventorship as set forth in the accompanying Petition for Correction of Inventorship in Patent under 37 C.F.R. § 1.48(a).

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified patent.

Date: 5/3/02

A handwritten signature in black ink, appearing to read 'Brad Powell', written over a horizontal line.

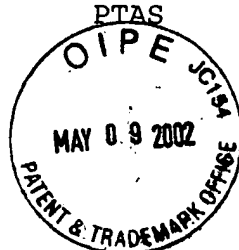
Brad Powell
Acting President
3830 Monte Villa Parkway
Bothell, Washington 98021-6942



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

FEBRUARY 28, 2000

NIXON PEABODY LLP
MICHAEL L. GOLDMAN
CLINTON SQUARE
P.O. BOX 1051
ROCHESTER, NY 14603



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MAY 15 2002

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

TECH CENTER 1600/2900

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/22/1999

REEL/FRAME: 010407/0931
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

WEI, ZHONG-MIN

DOC DATE: 10/27/1999

ASSIGNOR:

FAN, HAO

DOC DATE: 10/27/1999

ASSIGNOR:

NIGGEMEYER, JENNIFER J.

DOC DATE: 10/27/1999

ASSIGNEE:

EDEN BIOSCIENCE CORPORATION
11816 NORTH CREEK PARKWAY N.
BOTHELL, WASHINGTON 98011-8205

SERIAL NUMBER: 09412100

FILING DATE: 10/04/1999

PATENT NUMBER:

ISSUE DATE:

ENTERED
Nixon Peabody LLP

MAR - 8 2000

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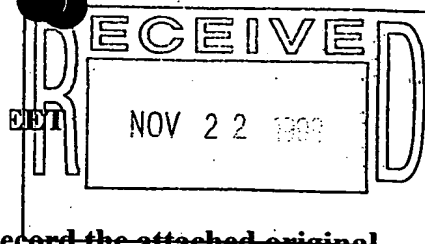
LENELL MACKALL, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

12-03-1999

REC



101213944



MND 11/22/99

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof:

<p>1. Name of conveying party(ies):</p> <p>Zhong-Min Wei Hao Fan Jennifer J. Niggemeyer</p>	<p>2. Name and address of receiving party(ies):</p> <p>EDEN Bioscience Corporation 11816 North Creek Parkway N. Bothell, Washington 98011-8205</p>
<p>3. Nature of conveyance:</p> <p><input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other: _____</p> <p>Execution Date(s):</p> <p>1st Inventor: October 27, 1999 2nd Inventor: October 27, 1999 3rd Inventor: October 27, 1999 4th Inventor:</p>	
<p>4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date(s) of the application is(are):</p> <p>1st (sole) Inventor: 2nd Inventor: 3rd Inventor: 4th Inventor:</p> <p>A. Patent Application No.(s): 09/412,100</p> <p>B. Patent No.(s):</p>	

Page 1 of 2

12/02/1999 T70H11 00000301 09412100

01 FC:581

40.00 DP

5. Name and address of party to whom correspondence concerning document should be mailed:

Michael L. Goldman
NIXON PEABODY LLP
Clinton Square
P.O. Box 1051
Rochester, New York 14603

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$40.00

☐ Previously paid (see original transmittal)

☒ A check in the amount of \$40.00 is enclosed.

8. Deposit Account Number: 14-1138

☐ Charge total fee to account.

☒ Charge any additional fees to account.

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Date: November 15, 1999



Edwin V. Merkel
Registration No. 40,087

[Total number of pages including cover sheet, attachments and document: 4]

Page 2 of 2

Certificate of Mailing - 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date below.

11/16/99

Date



Wendy L. Harrold

ASSIGNMENT

WHEREAS, We, **Zh ng-Min Wei**, a citizen of China, residing at 8230 125th Court, Kirkland, Washington 98034, **Hao Fan**, a citizen of China, residing at 19712 6th Drive S.E., Bothell, Washington 98012, and **Jennifer L. Niggemeyer**, a United States citizen, residing at 21315 2nd Avenue S.E., Bothell, Washington 98021, have invented certain new and useful improvements in **HYPERSENSITIVE RESPONSE ELICITOR FRAGMENTS WHICH ARE ACTIVE BUT DO NOT ELICIT A HYPERSENSITIVE RESPONSE** for which we have executed an application for Letters Patent in the United States, filed as U.S. Serial No. 09/412,100 on October 4, 1999;

AND WHEREAS, **EDEN Bioscience Corporation**, with its principal place of business at 11816 North Creek Parkway N., Bothell, Washington 98011-8205, desires to acquire the entire right, title and interest in and to the said improvements and the said Application:

NOW, THEREFORE, for good and valuable consideration, including salary or payment for the making of inventions, or employee benefits, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said **EDEN Bioscience Corporation**, its successors, legal representatives and assigns, the entire right, title and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said **EDEN Bioscience Corporation**, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

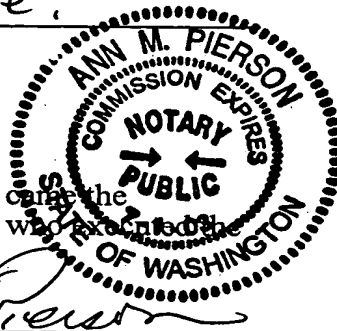
AND WE HEREBY covenant and agree that we will communicate to the said **EDEN Bioscience Corporation**, its successors, legal representatives and assigns, any facts known to us respecting said improvements and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said **EDEN Bioscience Corporation**, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 27 day of Oct., 1999

Zh ng-Min Wei
Zhong-Min Wei

STATE OF Washington
COUNTY OF King SS:

This 27th day of Oct, 1999 before me personally and the above-named **Zhong-Min Wei**, to me personally known as the individual who executed the same of his/her own free will for the purposes therein set forth.



Notary Public

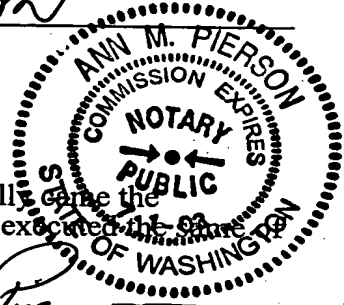
IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 27 day
of Oct., 1999.

Hao Fan

STATE OF Washington
COUNTY OF King SS:

This 27th day of Oct, 1999, before me personally, came the
above-named **Hao Fan**, to me personally known as the individual who executed the same
his/her own free will for the purposes therein set forth.

Ann M. Pierson
Notary Public



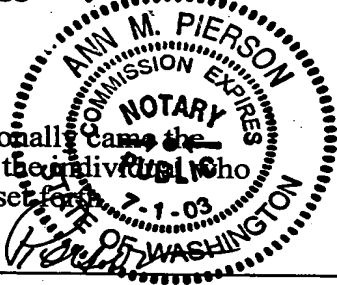
IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 27 day
of October, 1999.

Jennifer L. Niggemeyer

STATE OF Washington
COUNTY OF King SS:

This 27th day of Oct, 1999, before me personally, came the
above-named **Jennifer L. Niggemeyer**, to me personally known as the individual who
executed the same of his/her own free will for the purposes therein set forth.

Ann M. Pierson
Notary Public



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MAY 1 5 2002

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PATENT
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		RESPONSE)	

DECLARATION OF JENNIFER J. STEPHENS

I, Jennifer J. Stephens, hereby declare:

1. I am a named inventor of the above referenced patent application.
2. At the time the above referenced patent application was filed with the U.S. Patent and Trademark Office, my legal name was Jennifer J. Stephens.
3. My name was inadvertently given as Jennifer L. Niggemeyer on the above-referenced patent application.
4. I was legally married in the State of Washington on September 11, 1999.
5. As of September 11, 1999, my legal name was changed to Jennifer J. Stephens.
6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 3/27/02


Jennifer L. Niggemeyer

Date: 3/27/02


Jennifer J. Stephens